

**Notice of Allowability**

Application No.

10/707,367

Examiner

Lars A Olson

Applicant(s)

BOBER ET AL.

Art Unit

3617

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-22.
3. ☒ The drawings filed on 13 December 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>01202004</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                               | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. On line 1 of Claim 5, the word "base" has been deleted and replaced with the phrase "the base".
3. On line 1 of Claim 11, the phrase "the outer member" has been deleted and replaced with the phrase "the signal member" in order to correct a potential lack of antecedent basis problem.
4. On line 4 of Claim 14, the phrase "the first and second members" has been deleted and replaced with the phrase "the liquid and expandable members".

### **Reasons for Allowance**

5. Claims 1-22 are allowed.
6. The following is an examiner's statement of reasons for allowance. The self-erecting and debris collecting device as claimed is not shown or suggested in the prior art because of the use of a device that is comprised of a base member that is configured to rest on a surface, a gas generating member, an inflatable member that is in fluid communication with said gas generating member, and a signal member that is

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erected by said inflatable member, where said signal member is arranged to provide a receptacle for debris.

7. The prior art as disclosed by Liebermann (US 4,929,214) shows the use of a self-erecting device that is comprised of a base member that is constructed to rest on a surface, a gas generating member, and an inflatable balloon member that is in fluid communication with said gas generating member, which is further comprised of a first sachet containing one or more gas generating powders, and a second sachet containing water. Weig (US 2,808,803) discloses a portable inflatable device that is comprised of a base member, an inflatable member, and a signal member with warning indicia that is connected to said inflatable member. Hodgdon et al. (US 5,316,060), Blackaby et al. (US 5,149,028) and Simpson (US 4,884,603) disclose refuse collectors with solid support frames for holding open a bag in order to facilitate loading of said bag with refuse. However, none of the prior art cited shows or suggests the use of a self-erecting and debris collecting device that is comprised of a base member that is configured to rest on a surface, a gas generating member, an inflatable member that is in fluid communication with said gas generating member, and a signal member that is erected by said inflatable member, where said signal member is arranged to provide a receptacle for debris.

### ***Conclusion***

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

February 22, 2005

**LARS A. OLSON**  
**PRIMARY EXAMINER**

*Lars Olson*  
2/22/05